

Form
No.9
(Civil)
Title
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for
Judgmen

**IN THE COURT OF THE XVIII ADDITIONAL CITY CIVIL JUDGE
AT BANGALORE CITY**

PRESENT: SRI PADMA PRASAD

B.A.(Law) LL.B.,
XVIII Additional City Civil Judge.

Dated this the 13th day of October 2022

ORIGINAL SUIT 41/2022

PLAINTIFF

Srinivas S. Devathi,
Aged 44 years,
S/o Late D. Satyanarayana,
Residing at No.63, 11th 'B' Cross,
3rd Main, Prashanthnagar,
Bangalore-560 079,
INDIA.
Mobile (91)-903-589-4251
E-mail ID:
Srinivas@Coolcartechnology. com.

[By Party in Person]

/v e r s u s/

DEFENDANTS: 1. Legal and Treaties Division,
Ministry of External Affairs,
Room# 901, Akbar Bhavan,
Chanakyapuri,
New Delhi-110 021.
Ph:91-11-24674144.

Represented by Mrs. Uma Sekhar,
Additional Secretary, also
representing External Affairs
Minister, Prime Minister of India,
PMO, Finance Minister of India,
and Finance Ministers Office.

2. Society of Indian Automobile
Manufactures (SIAM),

Core 4-B, 5th Floor, India Habitat
Centre, Lodhi Road, New Delhi-
110 003.
Ph:91-11-24647810,
91-11-24647812.

Represented by Mr. Kenichi
Ayukawa, and Mr. Vinod Aggarwal,
also representing Indian
automotive manufacturers.

3. Indian Institute of Management,
Lucknow
Prabandh Nagar, IIM Road,
Lucknow-226013.
Ph: 91-522-2734101.

Represented by Mrs. Archana
Shukla, also representing their
board of governors.

4. Indian Institute of Management,
Indore, Prabandh Shikhar, Rau-
Pithampur Road, Indore-453556.
Madhya Pradesh, India.
Ph: 91-731-2439666.

Represented by Mr. Himanshu
Rai, also representing their board
of governors.

5. Indian Institute of Management,
Calcutta, Diamond Harbour Road,
Joka, Kolkata -700 104.
West Bengal.
Ph: 91-33-24678300

Represented by Mr. Uttam Kumar
Sarkar, also representing their
board of governors.

6. Indian Institute of Management,
Ahmedabad, Vastrapur,
Ahmedabad -380015, Gujarat,
India.
Ph: 91-79-71523456.

Represented by Mr. Errol D'Souza,
also representing their governing
council members.

7. Indian Institute of Management,
Bangalore.
Bannerghatta Road,
Bengaluru-560 076, India.
Ph: 91-80-26993000

Represented by Mr. Rishiksha
Krishnan, also representing their
board members.

8. The Hindu Group, Kasturi & Sons
Limited,
Kasturi Buildings, 859/860,
Anna Salai, Chennai -600002.
Ph: 91-44-28577300.

Represented by Mr. Suresh
nambath, also representing the
owners of their media group.

9. The New Indian Express,
Express publications Madurai Pvt.
Ltd.,#1, Queens Road, Bengaluru
-560 001. Ph: 91 – 80 -22866893.

Represented by Mrs. Shatwanu
Bhattacharya also representing
the owners of their media group.

10. The Indian Express Pvt. Ltd.,
Express building,
B1/B, Sector 10, Noida -201 301.
Ph: 91-120-6651500.

Represented by Mr. Rajkamal Jha,
also representing the owners of
their media group.

11. The Economic times, Times Group
Bennet & Coleman company Ltd.,
The Times of India building, 2nd
floor, SMB tower, 40/1, MG Road,
Near Navratan Jewellers,
Bengaluru-560 001.
Ph: 91-80-46787878.

Represented by Mrs. Archana Rai,
also representing the owners of
their media group.

12. The Times of India, times Group
Bennet & Coleman company Ltd.,
The Times of India building,
2nd floor, SMB tower,
40/1, MG Road, Near Navratan
Jewellers, Bengaluru-560 001.
Ph: 91-80-46787878.

Represented by Mrs. Asha Rai,
also representing the owners of
their media group.

13. Deccan Herald,
Printers Mysore Pvt. Ltd.,
#75, MG Road,
Bengaluru-560 001.
Ph: 91-80-45557333.

Represented by Mr. Sitaraman
Shankar, also representing the
owners of their media group.

14. Jagran group, Jagran Prakashan Ltd., Jagram Building, # 2, Sarvodaya Nagar, Kanpur – 208005.
Ph: 91-512-2216161 or 91-512-2216262.

Represented by Mr. Jitender Shukla, also representing the owners of their media group.

D1 – By Sri B.S., Advocate
D2 – By Sri PKB, Advocate
D5 – By Sri HVS, Advocate
D6 – By Sri Nandish Chudgar,
D7 – By Sri BC, Advocate
D9 – Exparte
D11 & D12 – By Sri SSS, Advocate

ORDERS ON MAINTAINABILITY AND ORDER ON IA NO.3, 5 TO 7

The present suit filed by the plaintiff in person for mandatory injunction in the nature of directions to the defendants to do technical and expert investigation, independent valuation of the price of plaintiff's invention and other reliefs.

2. The defendant no.2 filed IA No.3 under Order 7 Rule 11 (d) of CPC for rejection of plaint and also claimed that there is no cause of action for the suit. The said application is supported with the affidavit of defendant no.2.

3. The defendant no.5 filed IA No.5 under Order 7 Rule 11 (a) of CPC to reject the plaint claiming that there is no cause of action for the suit, that has been supported with affidavit of the Administrative Officer of the defendant no.5.

4. The defendant no.11 and 12 also filed IA No.6 and 7 respectively under Order 7 Rule 11 (a) of CPC.

5. The plaintiff filed detailed objections to all these applications.

6. On the basis of the above, point for consideration are as under:

1. Whether the suit is maintainable in the present form?

2. Whether the plaint is liable to be rejected under Order 7 Rule 11 (a) and (d) of CPC?

3. What order?

7. Heard the plaintiff in person.

8. Perused the pleading / plaint along with materials placed before the court. On that basis, my findings on the above points are as under:

- Point No.1: In the negative;
- Point No.2: In the affirmative;
- Point No.3: As per final order;
for the following:

REASONS

9. **POINT NO.1 AND 2:** The plaintiff in the plaint claimed that he has found the Repeatable Vehicle Color Change Technology as claimed in plaint in O.S.2487/2021 and also obtained patents etc., The plaintiff claims that his invention will bring more revenue to the India as claimed in the plaint. Accordingly, plaintiff prays to direct the defendants in the suit to value his invention and the defendants to publish his invention etc.,

10. The defendants filed the written statement and also filed the aforesaid IAs praying to reject the plaint under Order 7 Rule 11 (a) and (d) of CPC claiming that there is no cause of action for the suit.

11. At the outset, it is relevant to note that the entire plaint nowhere discloses the cause of action for

the suit. It is also relevant to note that the plaintiff has not asked any of the defendants to do the things claimed by him in the plaint. There is no material on record to show that any of the news papers or magazines have refused to publish his inventions. Admittedly the plaintiff claims that he has got the patent over his invention. As such, if his patent right has been infringed, then it is for the plaintiff to initiate a legal action against the person who has infringed his patent. There is no material on record to show that the plaintiff has asked any of the defendants to investigate the plaintiff's invention or value the plaintiff's invention.

12. Any suit can be filed before the court if there is a cause of action for the suit, and the suit is not barred under any law, otherwise the suit is liable to be dismissed **under Order 7 Rule 11 (a) and (d) of the CPC that reads as -**

“11. Rejection of plaint – The plaint shall be rejected in the following cases:

(a) Where it does not disclose a cause of action;

(d) where the suit appears from the statement in the plaint to be barred by any law.”

13. I have repeatedly gone through the entire plaint, but the plaint nowhere discloses the cause of action for the suit. The entire plaint nowhere discloses that defendants have refused any of the relief claimed in the suit. In fact, there is no material on record to show that this plaintiff has approached any of the defendants for the needful as claimed in the plaint prior to the filing of the suit. Infact, there is no material on record to show that the defendants have refused to entertain the claim of plaintiff. In fact, the plaintiff approached the court without exhausting his rights as contemplated under Section 41 (h) Specific Relief Act.

14. It is well settled principle of law that a cause of action means every fact, which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court. In

other words, it is bundle of fact which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant. Since in the absence of such an act, no cause of action can possibly accrue. It is not limited to the actual infringement of the right sued on but includes all material facts on which it is founded. It does not comprise evidence necessary to prove such facts but every fact necessary for the plaintiff to prove to enable him to obtain a decree. But, in the case on hand, the plaintiff has not at all made out any case to show that any of the defendants have denied the claim of plaintiff nor the defendants are aware of the claim of plaintiff or the defendants are liable to act upon the claim of plaintiff. In the absence of any such material before the court, certainly it cannot be accepted that there is any cause of action for the suit.

15. As the entire plaint nowhere discloses the cause of action, certainly this suit cannot be entertained, and plaint is liable to be rejected.

16. Therefore, considered from any angle, this suit in the present form is not maintainable as the plaintiff failed to make out any cause of action for the suit, this plaint is liable to be rejected under Order 7 Rule 11 (a) and (d) of CPC. Accordingly, Point No.1 is answered in **negative**, and Point No.2 is answered in **affirmative**.

17. **POINT NO.3:** In view of the finding on Points 1 and 2, I proceed to pass the following:

ORDER

- IA No.3, 5 to 7 filed by defendant no.2, 5, 11 and 12 respectively are hereby allowed. Accordingly, the plaint is hereby rejected under Order 7 Rule 11 (a) and (d) of CPC.

* * *

[Dictated to the Judgment Writer directly on computer, **Script** corrected, signed and then pronounced by me, in the Open Court on this the 13th day of October 2022.]

[PADMA PRASAD]
XVIII Additional City Civil Judge.
BANGALORE.

...Order pronounced in the Open Court.... (Vide separate detailed order..)

- IA No.3, 5 to 7 filed by defendant no.2, 5, 11 and 12 respectively are hereby allowed. Accordingly, the plaint is hereby rejected under Order 7 Rule 11 (a) and (d) of CPC.

[PADMA PRASAD]
XVIII Additional City Civil Judge.
BANGALORE.

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